

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA }
v. } NO. 1:21-CR-00088-JL
COREY DONOVAN }

}

STATUS REPORT OF COUNSEL RE:
DEFENDANT'S PRO SE MOTION TO RETURN PROPERTY

Now comes counsel for the defendant, Donna J. Brown, and hereby submits this status report pursuant to this Court's Order of January 10, 2025.

Relevant Procedural History

On November 21, 2024, defendant filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2555 through which he advances a claim that his trial counsel, Matthew G. Stachowske, was ineffective. Doc. 135. On the same date, the defendant filed a pleading titled Motion for Return of Property. Doc. 134. The basic premise of this pleading was that the Government was in possession of recordings of certain jail calls between the defendant and his trial counsel during the period before and during the jury trial in this matter. Doc. 134. The defendant supports this claim with what appear to be records of jail calls to a number ending in -9045, the phone number of his trial counsel. Id. 10-12. The Government filed an objection to this pleading stating, in part, that “The -9045 number does not otherwise appear in the government’s records that it has been able to locate in preparing this response...[t]he government will continue to exercise its diligence in reviewing the previous discovery productions in this case and will supplement the record if warranted.” Doc. 136: 2.

On January 10, 2025, this Court appointed undersigned counsel to confer with the defendant to resolve the Motion and file a status report on or before March 11, 2025. This pleading follows and undersigned counsel hereby requests an additional 30 days to consult with the Government regarding the premise of the defendant's motion, i.e., whether the Government is in possession of the jail calls that are the subject of the defendant's motion.

Status Report

After some difficulties in setting up a call with the defendant, undersigned counsel was eventually able to consult with the defendant. After consulting with the defendant, undersigned counsel was able to determine that it was the defendant's belief that the Government was in actual possession of the subject jail calls.

As the Government's pleading did not seem definitive in its assertion that it did not have the jail call recordings sought by the defendant, undersigned counsel reached out to counsel for the Government to resolve this issue. Counsel for the Government, Charles L. Rombeau, informed undersigned counsel that his review of the Government's records suggests that the defendant may have received the subject jail calls directly from the jail and that the Government did not have these recordings, but that he was not 100% sure of this finding. Attorney Rombeau proposed that, to resolve this issue, he will work with his paralegal to attempt to put together a spreadsheet of all of the jail calls of record in the Government's file and that this spreadsheet could serve as a basis to cross-reference the phone records in possession of the defendant.

Undersigned counsel proposes that this Court defer ruling on the defendant's Motion to Return Property for an additional 30 days so that the parties can continue to consult on this matter as described above.

Respectfully submitted,

Corey Donovan

By His Attorney,

Date: March 11, 2025

/s/ Donna J. Brown
Donna J. Brown
N.H. Bar No. 387
Wadleigh, Starr & Peters
95 Market St
Manchester, NH 03101
Tel. (603) 669-4140
E-mail: dbrown@wadleighlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2025, the above notice was served electronically through CM/ECF upon all counsel of record.

/s/ Donna J. Brown
Donna J. Brown #387